

E
286
B 713
1860

UC-NRLF



\$B 60 623

YC 50448



THE LIBRARY
OF
THE UNIVERSITY
OF CALIFORNIA

PRESENTED BY
PROF. CHARLES A. KOFOID AND
MRS. PRUDENCE W. KOFOID

S P E E C H
OF THE
HON. EDWARD EVERETT
ON
AMERICAN INSTITUTIONS,
IN REPLY TO THE DISCUSSION IN
THE BRITISH HOUSE OF LORDS.

DELIVERED ON THE 4TH JULY, 1860,
IN THE CITY HALL OF BOSTON, U. S., BEFORE THE MUNICIPAL AUTHORITIES.

L O N D O N :
SMITH, ELDER AND CO., 65, CORNHILL.

E 286
B713
1860

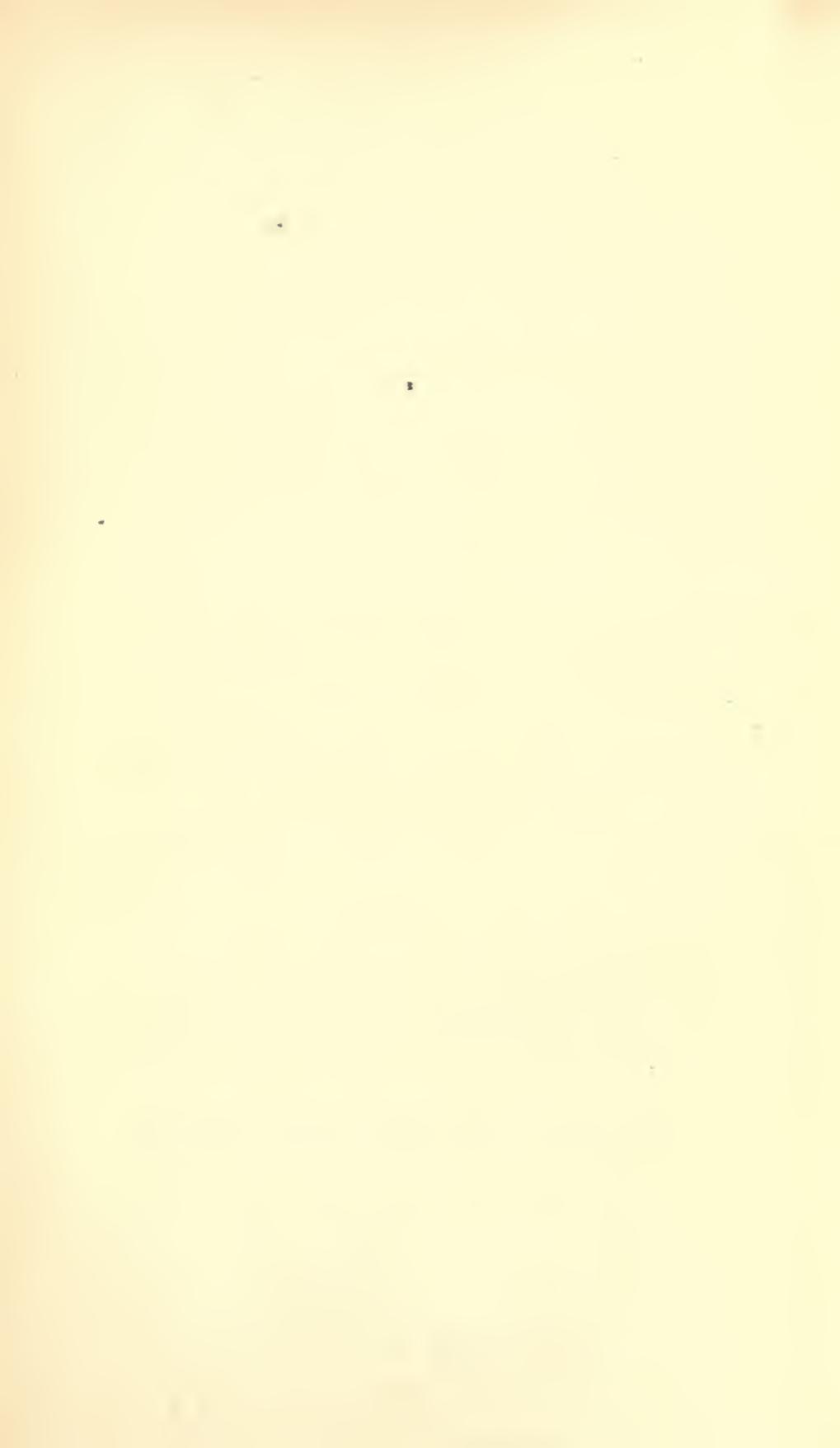
P R E F A C E.

THE Hon. Edward Everett, late American Minister at the Court of St. James's, having delivered the following defence of our institutions, it is reprinted in London, with the hope that Englishmen may be induced to aid us in our great experiment of self-government, instead of devoting so much of their power in Parliament and in the Press towards defeating the aim to which we aspire.

We claim merit for what we have already accomplished, and should have more confidence in our future if we could induce the people of Great Britain to desist from such attacks as Lord Grey indulged in; and meanwhile, if we are to be judged impartially, some member of the Commons might call for the correspondence between the two Governments during the few past years.

A CITIZEN OF THE UNITED STATES.

M367544



S P E E C H,

§c. §c.

EIGHTY-FOUR years ago this day the Anglo-American colonies, acting by their delegates to the Congress at Philadelphia, formally renounced their allegiance to the British Crown, and declared their independence. We are assembled, fellow-citizens, to commemorate the anniversary of that great day, and the utterance of that momentous declaration. The hand that penned its mighty sentences, and the tongue which, with an eloquence that swept all before it, sustained it on the floor of the Congress, ceased from among the living at the end of half a century, on the same day, almost at the same hour, thirty-four years ago. The last survivor of the signers closed his venerable career six years later; and of the generation sufficiently advanced in life to take a part in public affairs on the Fourth of July, 1776, not one, probably, survives to hail this eighty-fourth anniversary. They are gone, but their work remains. It has grown in interest with the lapse of years, beginning already to add to its intrinsic importance those titles to respect which time confers on great events and memorable eras, as it hangs its ivy and plants its mosses on the solid structures of the past; and we have come together to bear our testimony to the day, the deed, and the men. We have shut up our offices, our warehouses, our workshops—we have escaped from the cares of business, may I not add, from the dissensions of party, from all that occupies, and all that divides us?—to celebrate, to

join in celebrating, the birthday of the nation, with one heart and with one voice. We have come for this year 1860 to do our part in fulfilling the remarkable prediction of that noble son of Massachusetts—John Adams—who, in the language of Jefferson, was “the Colossus of independence, the pillar of its support on the floor of Congress.” Although the Declaration was not adopted by Congress till the Fourth of July (which has accordingly become the day of the anniversary), the resolutions on which it was founded passed on the 2nd instant. On the following day, accordingly, John Adams, in a letter to his wife, says:—

“ Yesterday the greatest question was decided that was ever debated in America, and greater, perhaps, never was nor will be decided among men. A resolution was passed without one dissenting colony, that these United States are and of right ought to be free and independent States.”

Unable to restrain the fulness of his emotions, in another letter to his wife, but of the same date—naturally assuming that the day on which the resolution was passed would be the day hereafter commemorated—he bursts out in this all but inspired strain:—

“ The day is passed ; the 2nd of July, 1776, will be the most memorable epoch in the history of America. I am apt to believe that it will be celebrated by succeeding generations as the great anniversary festival. It ought to be commemorated as the day of deliverance by solemn acts of devotion to God Almighty. It ought to be solemnized with pomp and parade, with shows, games, sports, guns, bells, bonfires, and illuminations, from one end of this continent to the other, from this time forward for evermore. You will think me transported with enthusiasm, but I am not. I am well aware of the toil, and blood, and treasure that it will cost to maintain this declaration, and support and defend these States. Yet, through all the gloom, I can see the rays of ravishing light and glory. I can see that the end is more than worth all the means ; that posterity will triumph in that day’s transaction, even although we should rue it—which I trust in God we shall not.”

The time which has elapsed since the great event took

place is so considerable, the national experience which has since accrued is so varied and significant, the changes in our condition at home and our relations abroad are so vast, as to make it a natural and highly appropriate subject of inquiry, on the recurrence of the anniversary, how far the hopeful auguries with which our independence was declared have been fulfilled. Has "the gloom" which, in the language of Adams, shrouded the 4th of July, 1776, given way, on this 4th of July, 1860, "to those rays of light and glory" which he predicted? Has "the end," as he fondly believed it would do, proved thus far to be more than "worth all the means?" Most signally, as far as he individually was concerned. He lived himself to enjoy more than a Roman triumph, in the result of that day's transaction; to sign with his brother envoys the treaty of peace, by which Great Britain acknowledged the independence of her ancient colonies; to stand before the British throne, the first representative of the newly constituted republic; and after having filled its second office in connection with him who, whether in peace or in war, could never fill any place but the first—in office as in the hearts of his countrymen—he lived to succeed to the great Chief, and closed his honoured career as the elective Chief Magistrate of those United States, whose independence he had done so much to establish; with the rare additional felicity at the last of seeing his son elevated to the same station.

But the life of an individual is but a span in the life of a nation; the fortunes of individuals, for good or for evil, are but as dust in the balance compared with the growth and prosperity or the decline and fall of that greatest of human personalities—a Commonwealth. It is, therefore, a more momentous inquiry, whether the great design of Providence, with reference to our beloved country, of which we trace the indications in the recent discovery of the continent, the manner of its settlement by the civilized races of the earth, the colonial struggles, the establishment of independence, the formation of a constitutional Republican Government, and its administration in peace and war for seventy years—I say it is a far more important inquiry whether this great design of

Providence is in a course of steady and progressive fulfilment—marked only by the fluctuations ever visible in the march of human affairs, and authorizing a well-grounded hope of further development, in harmony with these auspicious beginnings—or whether there is reason, on the other hand, to fear that our short-lived prosperity is already (as misgivings at home and disparagement abroad have sometimes whispered) on the wane—that we have reached, that we have passed the meridian—and have now to look forward to an evening of degeneracy, and the closing in of a rayless and hopeless night of political decline.

You are justly shocked, fellow-citizens, at the bare statement of the ill-omened alternative; and yet the inquiry seems forced on us, by opinions that have recently been advanced in high places abroad. In a debate in the House of Lords on the 19th of April, on a question relative to the extension of the elective franchise in England—the principle which certainly lies at the basis of popular government—the example of the United States, instead of being held up for imitation in this respect, as has generally been the case, with reference to popular reforms, was referred to as showing, not the advantages, but the evils of an enlarged suffrage. It was emphatically asserted or plainly intimated by the person who took the lead in the debate (Earl Grey), whose family traditions might be expected to be strongly on the side of popular right, that, in the United States, since the Revolutionary period, and by the undue extension of the right of suffrage, our elections have become a mockery, our legislatures venal, our courts tainted with party spirit, our laws “cobwebs” which the rich and poor alike break through, and the country and the Government in all its branches given over to corruption, violence, and a general disregard of public morality. If these opinions are well founded, then certainly we labour under a great delusion in celebrating the national anniversary. Instead of joyous chimes and merry peals, responding to the triumphant salvos which ushered in the day, the Fourth of July ought rather to be commemorated by funeral bells, and minute guns, and dead marches; and we, instead of assembling in this festal hall to congratulate each other on its happy

return, should have been better found in sackcloth and ashes, in the house of penitence and prayer. I believe that I shall not wander from the line of remark appropriate to the occasion, if I invite you to join me in a hasty inquiry, whether these charges and intimations are well founded ; whether we have thus degenerated from the standard of the Revolutionary age ; whether the salutary checks of our system have been swept away, and our experiment of elective self-government has consequently become a failure ; whether, in a word, the great design of Providence in the discovery, settlement, political independence, and national growth of the United States has been prematurely arrested by our perversity ; or whether, on the contrary, that design is not—with those vicissitudes, and drawbacks, and human infirmities of character, and uncertainties of fortune which beset alike the individual man and the societies of men, in the Old World and the New—in a train of satisfactory, hopeful, nay, triumphant and glorious fulfilment.

And, in the first place, I will say that, in my judgment, great delicacy ought to be observed and much caution practised in these disparaging commentaries on the constitution, laws, and administrations of friendly States ; and especially on the part of British and American statesmen in their comments on the systems of their two countries, between which there is more intimate connection of national sympathy than between any two other nations. I must say that, as a matter of taste and expediency, these specific arraignments of a foreign friendly country had better be left to the public press. Without wishing to put any limit to free discussion, or to prescribe any expression of the patriotic complacency with which the citizens of one country are apt to assert the superiority of their own systems over those of all others, it appears to me that pungent criticisms on the constitutions and laws of foreign States, supported by direct personal allusions to those called to administer them, are nearly as much out of place on the part of the legislative as of the executive branch of a government. On the part of the latter they would be resented as an intolerable insult ; they cannot be deemed less than offensive on the part of the former. If

there were no other objection to this practice, it would be sufficient that its direct tendency is to recrimination; a warfare of reciprocal disparagement on the part of conspicuous members of the legislatures of friendly States. It is plain that a parliamentary warfare of this kind must greatly increase the difficulty of carrying on the diplomatic discussions which necessarily occur between States whose commercial and territorial interests touch and clash at so many points; and the war of words is but too well adapted to prepare the public mind for more deplorable struggles.

Let me further also remark, that the suggestion which I propose to combat, viz., that the experiment of self-government on the basis of an extensive electoral franchise is substantially a failure in the United States, and that the country has entered upon a course of rapid degeneracy since the days of Washington, is not only one of great antecedent improbability, but it is one which it might be expected our brethren in England would be slow to admit. The mass of the population was originally of British origin, and the additional elements of which it is made up are from the other most intelligent and improvable races of Europe. The settlers of this continent have been providentially conducted to it, or have grown up upon it, within a comparatively recent and highly enlightened period, viz., the last two hundred and fifty years. Much of it they found lying in a state of nature, with no time-honoured abuses to eradicate, abounding in most of the physical conditions of prosperous existence, with no drawbacks but those necessarily incident to new countries, or inseparable from human imperfection. Even the hardships they encountered, severe as they were, were well calculated to promote the growth of the manly virtues. In this great and promising field of social progress, they have planted, in the main, those political institutions, which have approved themselves, in the experience of modern Europe, and especially of England, as most favourable to the prosperity of a State—free representative governments—written constitutions and laws, greatly modelled upon hers, especially the trial by jury—a free and a cheap, and consequently all-pervading press—the responsibility of the ruler to the people—liberal provision for

popular education, and very general voluntary and bountiful expenditure for the support of religion. If, under these circumstances, the people of America, springing from such a stock, and trained in such a school, have failed to work out a satisfactory and a hopeful result ; and especially if, within the last sixty years (for that is the distinct allegation), and consequently since, from the increase of numbers, wealth, and national power, all the social forces of the country have, for good or evil, been in higher action than ever before, there has been such marked degeneracy that we are now fit to be held up, not as a model to be imitated, but as an example to be shunned, not for the credit but for the discredit of popular institutions, then, indeed, the case must be admitted to be a strange phenomenon in human affairs, disgraceful, it is true, in the highest degree to us, not reflecting credit on the race from which we are descended, nor holding out encouragement anywhere for the adoption of liberal principles of government. If there is any feeling in England that can welcome the thought, that Americans have degenerated, the further reflection that it is the sons of Englishmen who have degenerated must chasten the sentiment. If there is any country or any place where this supposed state of things can be readily believed to exist, surely it cannot be the parent country ; it cannot be in that House of Commons where Burke uttered those golden words,—“ My hold of the colonies is in the close affection which grows from common names, from kindred blood, from similar privileges and equal protection.” It cannot be in that House of Peers where Chatham, conscious that the colonies were fighting the battle not only of American but of English liberty, exclaimed—“ I rejoice that America has resisted.” It must be in Venice, it must be in Naples, or wherever else on the face of the earth liberal principles are scoffed at, and constitutional freedom is known to exist only as her crushed and mangled form is seen to twitch and quiver under the dark pall of arbitrary power. Before admitting the truth of such a supposition, in itself so paradoxical, in its moral aspects so mournful, in its natural influence on the progress of liberal ideas so discouraging, let us for a few moments look at facts.

The first object in the order of events, after the discovery of America, was, of course, its settlement by civilized man. It was not an easy task—a mighty ocean separated the continent from the older world—a savage wilderness covered most of the country—its barbarous and warlike inhabitants resisted from the first all coalescence with the new comers. To subdue this waste—to plant corn-fields in the primeval forest—to transfer the civilization of Europe to the new world, and to make safe and sufficient arrangements, under political institutions, for the growth of free principles—was the great problem to be solved. It was no holiday pastime—no gainful speculation—no romantic adventure; but grim, persistent, weary toil and danger. That it has been upon the whole performed with wonderful success, who will deny? Where else in the history of the world have such results been brought about in so short a time? And if I desired, as I do not, to give this discussion the character of recrimination, might I not, dividing the period which has elapsed since the commencement of the European settlements in America into two portions, viz. the one which preceded and the one which has followed the Declaration of Independence—the former under the sway of European Governments—England, Holland, France, Spain; the latter under the Government of the independent United States—might I not claim for the latter, under all the disadvantages of a new government and limited resources, the credit of greatly superior energy and practical wisdom in carrying on this magnificent work? It was the inherent vice of the colonial system that the growth of the American colonies was greatly retarded for a century in consequence of their being involved in all the wars of Europe. There never was a period since Columbus sailed from Palos, in which the settlement of the country has advanced with such rapidity as within the last sixty years. The commencement of the Revolution found us with a population not greatly exceeding two millions; the census of 1800 a little exceeded five millions; that of the present year will not probably fall short of thirty-two millions. The two centuries and a half which preceded the Revolution witnessed the organization of thirteen colonies,

to which the period that has since elapsed has added twenty States. I own it has filled me with amazement to find cities like Cincinnati and Louisville, Detroit, Chicago, and St. Louis, not to mention those still more remote, on spots which, within the memory of man, were frontier military posts—to find railroads and electric telegraphs traversing forests, in whose gloomy shades, as late as 1789, the wild savage still burned his captives at the stake. The desponding or the unfriendly censor will remind me of the blemishes of this tumultuous civilization: outbreaks of frontier violence in earlier and later times—acts of injustice to the native tribes (though the policy of the Government toward them has in the main been paternal and conscientiously administered)—the roughness of manners in infant settlements—the collisions of adventurers not yet compacted into a stable society—deeds of wild justice and wilder injustice—border licence, Lynch law. All these I admit and lament; but a community cannot grow up at once from the log-cabin, with the wolf at the door and the savage in the neighbouring thicket, into the order and beauty of communities which have been maturing for centuries. We must remember, too, that all these blemishes of an infant settlement, the inseparable accompaniments of that stage of progress and phase of society and life, have their counterpart at the other end of the scale, in the festerⁿ iniquities of large cities, the gigantic frauds of speculation and trade, the wholesale corruptions, in a word, of older societies. When I reflect that the day we celebrate found us a feeble strip of thirteen colonies along the coast, averaging at most a little more than one hundred and fifty thousand inhabitants each, and that this, its eighty-fourth return, sees us grown to thirty-three States, scattered through the interior and pushed to the Pacific, averaging nearly a million of inhabitants, each a well-compacted, representative republic, securing to its citizens a larger amount of the substantial blessings of life than are enjoyed by equal numbers of people in the oldest and most prosperous States of Europe, I am lost in wonder; and, as a sufficient answer to the charge of degeneracy, I am tempted to say, "Look around you."

But merely to fill up the wilderness with a population pro-

vided with the ordinary institutions, and carrying on the customary pursuits, of civilized life—though surely no mean achievement—was by no means the whole of the work allotted to the United States, and thus far performed with signal activity, intelligence, and success. The founders of America and their descendants have accomplished more and better things. On the basis of a rapid geographical extension, and with the force of teeming numbers, they have, in the very infancy of their political existence, successfully aimed at higher progress in a general civilization. The mechanical arts have been cultivated with unusual aptitude. Agriculture, manufactures, commerce, navigation, whether by sails or steam, and the art of printing in all its forms, have been pursued with surprising skill. Great improvements have been made in all these branches of industry, and in the machinery pertaining to them, which have been eagerly adopted in Europe.—A more adequate provision has been made for popular education than in almost any other country. I believe that in the cities of Boston, New York, and Philadelphia, more money, in proportion to the population, is raised by taxation for the support of common schools, than in any other cities in the world. There are more seminaries in the United States where a respectable academical education can be obtained—more, I still mean, in proportion to the population—than in any other country except Germany. The fine arts have reached a high degree of excellence. The taste for music is rapidly spreading in town and country; and every year witnesses productions from the pencil and the chisel of American sculptors and painters, which would adorn any gallery in the world. Our astronomers, mathematicians, naturalists, chemists, engineers, jurists, publicists, historians, poets, novelists, and lexicographers have placed themselves on a level with those of the older world. The best dictionaries of the English language since Johnson are those published in America. Our constitutions, whether of the United States, or of the separate States, exclude all public provision for the maintenance of religion; but in no part of Christendom is it more generously supported. Sacred science is pursued as diligently, and the pulpit commands as high a degree of

respect in the United States, as in those countries where the Church is publicly endowed ; while the American missionary operations have won the admiration of the civilized world. Nowhere, I am persuaded, are there more liberal contributions to public-spirited and charitable objects. In a word, there is no branch of the mechanical or fine arts, no department of science, exact or applied—no form of polite literature—no description of social improvement—in which, due allowance being made for the means and resources at command, the progress of the United States has not been satisfactory, and in some respects astonishing. At this moment the rivers and seas of the globe are navigated with that marvellous application of steam as a propelling power which was first effected by Fulton ; the monster steamship which has just reached our shores rides at anchor in the waters in which the first successful experiment in steam navigation was made. The harvests of the civilized world are gathered by American reapers ; the newspapers which lead the journalism of Europe are printed on American presses ; there are railroads in Europe constructed by American engineers, and travelled by American locomotives ; troops armed with American weapons, and ships of war built in American dockyards. In the factories of Europe there is machinery of American invention or improvement ; in their observatories, telescopes of American construction, and apparatus of American invention for recording the celestial phenomena. America contests with Europe the introduction into actual use of the electric telegraph ; another mode of operating it is adopted throughout the French Empire. American authors in almost every department are found on the shelves of European libraries. It is true no American Homer, Virgil, Dante, Copernicus, Shakspeare, Bacon, Milton, Newton, has risen on the world. These mighty geniuses seem to be exceptions in the history of the human mind. Favourable circumstances do not produce them, nor does the absence of favourable circumstances prevent their appearance. Homer rose in the dawn of Grecian culture ; Virgil flourished in the Court of Augustus ; Dante ushered in the birth of the new Euro-

pean civilization; Copernicus was reared in a Polish cloister; Shakspeare was trained in the green-room of the theatre; Milton was formed while the elements of English thought and life were fermenting toward a great political and moral revolution; Newton under the profligacy of the Restoration. Ages may elapse before any country will produce a man like these, as two centuries have passed since the last-mentioned of them was born. But if it is really a matter of reproach to the United States, that in the comparatively short period of their existence as a people, they have not added another name to this illustrious list (which is equally true of all the other nations of the earth), they may proudly boast of one example of life and character, one career of disinterested service, one model of public virtue, one type of human excellence, of which all the countries and all the ages may be searched in vain for the parallel. I need not—on this day I need not—speak the peerless name. It is stamped on your hearts, it glistens in your eyes, it is written on every page of your history, on the battle-fields of the Revolution, on the monuments of your fathers, on the portals of your Capitols. It is heard in every breeze that whispers over the fields of independent America. And he was all our own. He grew up on the soil of America; he was nurtured at her bosom. She loved and trusted him in his youth; she honoured and revered him in his age; and though she did not wait for death to canonize his name, his precious memory, with each succeeding year, has sunk more deeply into the hearts of his countrymen.

But, as I have already stated, it was urged against us on the occasion alluded to, that within the last sixty years the United States have degenerated, and that by a series of changes, at first apparently inconsiderable, but all leading by a gradual and steady progression to the result, a very discreditable condition of things has been brought about in this country. Without stating precisely what these supposed changes are, this “result” is set forth in a somewhat remarkable series of reproachful allegations, far too numerous to be repeated in detail, in what remains of this address, but implying in the aggregate the general corruption of the

country, political, social, and moral. The severity of these reproaches is not materially softened by a few courteous words of respect for the American people. I shall in a moment select for examination two or three of the most serious of these charges, observing only at present that the prosperous condition of the country, which I have imperfectly sketched, and especially its astonishing growth, during the present century, in the richest products, material and intellectual, of a rapidly maturing civilization, furnish a sufficient defence against the general charge. Men do not gather the grapes and figs of science, art, taste, wealth, and manners from the thorns and thistles of lawlessness, venality, fraud, and violence. These fair fruits grow only in the gardens of public peace and industry, protected by the law. In the outset let it be observed, then, that the assumed and assigned cause of the reproachful and deplorable state of things alleged to exist in the United States is as imaginary as the effects are exaggerated or wholly unfounded in fact. The "checks established by Washington and his associates on an unbalanced democracy in the general government" have never, as is alleged, "been swept away"—not one of them. The great constitutional check of this kind, as far as the general government is concerned, is the limitation of the granted powers of Congress, the reservation of the rights of the States, and the organization of the Senate as their representative. These constitutional provisions, little comprehended abroad, which give to the smallest States equal weight with the largest in one branch of the Legislature, impose a very efficient check on the power of a numerical majority; and neither in this nor in any other provision of the constitution bearing on the subject, has the slightest change ever been made. Not only so, but the prevalent policy since 1800 has been in favour of the reserved rights of the States, and in consequent derogation of the powers of the general government. In fact, when the Reform Bill was agitated in England, and by the Conservative statesmen of that country stigmatized as "a revolution," it was admitted that the United States possessed in their written constitution, and in the difficulty of procuring amendments to it, a Con-

servative principle unknown to the English Government. In truth, if by "an unbalanced democracy" is meant such a government as that of Athens, or republican Rome, or the Italian Republics, or the English Commonwealth, or revolutionary France, there not only never was, but never can be, such a thing in the United States. The very fact that the great mass of the population is broken up into separate States, now thirty-three in number, and rapidly multiplying, each with its local interests and centre of political influence, is itself a very efficient check on such a democracy. Each of these States is a representative commonwealth, composed of two branches, with the ordinary divisions of executive, legislative, and judicial power. It is true, that in some of the States some trifling property qualification for eligibility and the exercise of the elective franchise have been abrogated, but not with any perceptible effect on the number or character of the voters. The system, varying a little in the different States, always made a near approach to universal suffrage; and the great increase of voters has been caused by the increase of population. Under elective governments, with a free press, with ardent party divisions, and questions that touch the heart of the people, petty limitations on the right of suffrage are indeed "cob-webs," which the popular will breaks through. The voter may be one of ten, or one of fifty of the citizens, but on such questions he will vote in conformity with the will and wish of the mass. If he resists it, the Government itself, like that of France in 1848, will go down. Agitation and popular commotion scoff at checks and balances, and as much in England as in America. When Nottingham Castle is in ruins, and half Bristol a heap of ashes, monarchs and ministers must bend. The Reform Bill must then pass "through Parliament, or over it," in the significant words of Lord Macaulay; and that, whether the constituencies are great or small. That a restricted suffrage and a limited constituency do not always ensure independence on the part of the representative, may be inferred from the rather remarkable admission of Lord Grey in this very debate, that "a large proportion of the members of the present

House of Commons are, from various circumstances, afraid to act on their real opinions," on the subject of the Reform Bill before them. I have already observed that it would be impossible, within the limits of this address, to enter into a detailed examination of all the matters laid to our charge on the occasion alluded to. The ministerial leader (Lord Granville) candidly admitted, in the course of the debate, that though he concurred with his brother peer in some of his remarks, "they were generally much exaggerated." We, too, must admit with regret that, for some of the statements made to our discredit, there is a greater foundation in fact than we could wish; that our political system, like all human institutions, however wise in theory, and successful in its general operation, is liable to abuse; that party, the bane of all free governments, works its mischief here; that some bad men are raised to office and some good men excluded from it; that public virtue here, as elsewhere, sometimes breaks down under the lust of place or of gold; that unwise laws are sometimes passed by our legislatures, and unpopular laws sometimes violated by the mob; in short, that the frailties and vices of men and of governments are displayed in republics as they are in monarchies, in the New World as in the Old. Whether to a greater, equal, or less degree, time must show. The question may as pertinently be asked of nations as of individuals, "Why beholdest thou the mote that is in thy brother's eye, and considerest not the beam that is in thine own eye?"

An honest and impartial administration of justice is the corner-stone of the social system. The most serious charges brought against us, on the occasion alluded to, are, that owing to the all-pervading corruption of the country, the judges of the Supreme Court of the United States, who once commanded the public respect at home and abroad, are now appointed for party purposes, and that some of their decisions have excited the disgust of all high-minded men; that the judges of most of the State courts hold their offices by election, some by annual election; that the undisputed dominion of the numerical majority, which has been established, will not allow the desires and passions of the hour to

be checked by a firm administration of the law ; and that, in consequence, the laws in this country have become mere cobwebs to resist either the rich or the popular feeling of the moment ; in a word, that the American Astræa, like the goddess of old, has fled to the stars. I need not say, fellow-citizens, in your hearing, that wherever else this may be true (and I believe it to be true nowhere in the United States), it is not true in Massachusetts ; and that Westminster Hall never boasted a court more honoured or more worthy of honour than that which holds its office by a life tenure and administers impartial justice, without respect of persons, to the people of Massachusetts. Such a court the people of Massachusetts have no wish to change for an elective judiciary holding office by a short tenure. In their opinion, evinced in their practice, this all-important branch of the Government ought to be removed as far as possible beyond the reach of political influences ; but it is surely the grossest of errors to speak of the tribunals of the United States as being generally tainted with party, or to represent the law in the main as having ceased to be respected and enforced. Taking a comprehensive view of the subject, and not drawing sweeping inferences from exceptional occurrences, it may be safely said that the law of the land is ably, cheaply, and impartially administered in the United States, and implicitly obeyed. On a few questions, not half a dozen in number since the organization of the Government, and those partaking of a political character, the decisions of the court, like the questions to which they refer, have divided public opinion. But there is, surely, no tribunal in the world, which, like the Supreme Court of the United States, has, since the foundation of the Government, not only efficiently performed the ordinary functions of a tribunal of the last resort, but which sits in judgment on the courts and legislatures of sovereign States, on Acts of Congress itself, and pronounces the law to a Confederation co-extensive with Europe. I know of no such protection under any other Government against unconstitutional legislation, if, indeed, any legislation can be called unconstitutional, where Parliament, alike in theory and practice, is omnipotent. With respect to the partizan

character of our courts, inferred from the manner in which the judges are appointed, the judges of the United States courts, which are the tribunals specifically reflected on, are appointed in the same manner, and hold their offices by the same tenure, as the English judges of the courts of common law. They are appointed for life, by the executive power, no doubt from the dominant party of the day, and this equally in both countries. The presiding magistrate of the other branch of English jurisprudence, the Lord Chancellor, is displaced with every change in polities. In seventy-one years since the adoption of the federal constitution, there have been but four Chief Justices of the United States, and the fourth is still on the bench. In thirty-three years there have been nine appointments of a Lord Chancellor, on as many changes of administration, and seven different individuals have filled the office, of whom five are living. As a member of the Cabinet and Speaker of the House of Lords, he is necessarily deep in all the political controversies of the day, and his vast official influence and patronage are felt throughout Church and State. The Chief Justice of England is usually a member of the House of Lords, sometimes a member of the Cabinet. As a necessary consequence, on all questions of a political nature, the court is open to the same suspicion of partizanship as in the United States, and for a much stronger reason, inasmuch as our judges can never be members of the Cabinet or of Congress. During a considerable part of his career, Lord Mansfield was engaged in an embittered political warfare with the Earl of Chatham in the House of Lords. All the resources of the English language were exhausted by Junius in desolating and un-punished party libels on the Chief Justice of England; and when the capital of the British empire lay for six days at the mercy of Lord George Gordon's mob, its fury was concentrated against the same venerable magistrate. The jurisprudence of this country strikes its roots deep into that of England. Her courts, her magistrates, her whole judicial system, are regarded by the profession in America with respect and affection. But if, beginning at a period coëval with the settlement of America, we run down the line of the

Chancellors and Chief Justices, from Lord Bacon and Sir Edward Coke to the close of the last century, it will, in scarce any generation, be found free from the record of personal, official, and political infirmity, from which an unfriendly censor might have drawn inferences hostile to the integrity of the tribunals of England, if not to the soundness of her public sentiment. But he would have erred. The character of governments and of nations must be gathered from large experience, from general results, from the testimony of ages. A thousand years, and a revolution in almost every century, have been necessary to build up the constitutional fabric of England to its present proportions and strength. Let her not play the unfriendly censor, if some portions of our newly constructed State machinery are sometimes heard to grate and jar. With respect to the great two-edged sword with which Justice smites the unfaithful public servant, the present Lord Chancellor (late Chief Justice of England) observes, of the acquittal of Lord Melville, in 1806, that "it showed that impeachment can no longer be relied upon for the conviction of State offences, and can only be considered as a test of party strength;" while of the standard of professional literature, the same venerable magistrate, who unites the vigour of youth to the experience and authority of fourscore years, remarks, with a candour not very flattering to the United States, that down to the end of the reign of George the Third (A. D. 1820), "England was excelled by contemporary judicial authors, not only in France, Italy, and Germany, but even America." I will only add, that of the very great number of judges of our federal and State courts—although frugal salaries, short terms of office, and the elective tenure, may sometimes have called incompetent men to the bench—it is not within my recollection that a single individual has been suspected even of pecuniary corruption.

Next in importance to the integrity of the courts, in a well-governed State, is the honesty of the legislature. A remarkable instance of wholesale corruption, in one of the new States of the West, consisting of the alleged bribery of a considerable number of the members of the Legislature, by a corrupt distri-

bution of railroad bonds, is quoted by Lord Grey as a specimen of the corruption which has infected the legislation both of Congress and of the States, and as showing "the state of things which has arisen in that country." It was a very discreditable occurrence certainly (if truly reported, and of that I know nothing), illustrative, I hope, not of "a state of things" which has arisen in America, but of the degree to which large bodies of men, of whom better things might have been expected, may sometimes become so infected, when the mania of speculation is epidemic, that principle, prudence, and common sense break down in the eagerness to clutch at sudden wealth. In a bubble season the ordinary rules of morality lose their controlling power for a while, under the temptation of the day. The main current of private morality in England probably flowed as deep and strong as ever, both before and after the South Sea frauds, when Cabinet ministers and court ladies, and some of the highest personages in the realm, ran mad after dishonest gains, and this in England's Augustan age. Lord Granville, in reply, observed that the "early legislation of England in such matters was not so free from reproach as to justify us in attributing the bribery in America solely to the democratic character of the Government;" and the biographer of George Stephenson furnishes facts which abundantly confirm the truth of this remark. After describing the extravagant length to which railway speculation was carried in that country in 1844-45, Mr. Smiles proceeds:—

"Parliament, whose previous conduct in connection with railway legislation was so open to reprehension, interposed no check, attempted no remedy. On the contrary, it helped to intensify the evil arising from this unseemly state of things. Many of its members were themselves involved in the mania, and as much interested in its continuance as even the vulgar herd of money-grubbers. The railway prospectuses now issued, unlike the Liverpool and Manchester, and London and Birmingham schemes, were headed by peers, baronets, landed proprietors, and strings of M.P.'s. Thus it was found in 1845 that not fewer than one hundred and fifty-seven members of Parliament were on the list of new companies

as subscribers for sums ranging from two hundred and ninety-one thousand pounds sterling (not far from a million and a half of dollars) downwards. The proprietors of new lines even came to boast of their parliamentary strength, and the number of votes they could command in the House. The influence which landowners had formerly brought to bear upon Parliament, in resisting railways, when called for by the public necessities, was now employed to carry measures of a far different kind, originated by cupidity, knavery, and folly. But these gentlemen had discovered, by this time, that railways were as a golden mine to them. They sat at railway boards, sometimes selling to themselves their own land at their own price, and paying themselves with the money of the unfortunate stockholders. Others used the railway mania as a convenient and, to themselves, inexpensive mode of purchasing constituencies. It was strongly suspected that members adopted what Yankee legislators call ‘log-rolling,’ that is, ‘you help me to roll my log, and I will help you to roll yours.’ At all events, it is a matter of fact that, through parliamentary influence, many utterly ruinous branches and extensions, projected during the mania, calculated only to benefit the inhabitants of a few miserable old boroughs, accidentally omitted from Schedule A, were authorized in the memorable session of 1844-45.”*

These things, be it remembered, took place, not in a newly gathered Republic, just sprouting, so to say, into existence on the frontier, inhabited by the pioneers of civilization, who had rather rushed together than grown up to the moral traditions of an ancient community; but they took place at the metropolis of the oldest monarchy in Europe, the centre of the civilized world, where public sentiment is propped by the authority of ages—heart of old English oak encased with the life circles of a thousand years. I was in London at the height of the mania; I saw the Railway King, as he was called, at the zenith of his power; a member of Parliament, through which he walked quietly, it was said, “with some sixteen railway bills under his arm;” almost a fourth estate of the realm; his receptions crowded like those of a royal

* Smiles’ *Life of Stephenson*, p. 371.

prince; and I saw the gilded bubble burst. But I did not write home to my Government that this marvellous "state of things" showed the corruption which springs from hereditary institutions, nor did I hint that an extension of the right of suffrage and a moderate infusion of the democratic principle was the only remedy.

I have time for a few words only on the "unscrupulous and overbearing tone" which is said by Lord Grey to "mark our intercourse with foreign nations." "If any one European nation," he observes, "were to act in the same manner, it could not escape war for a single year. We ourselves have been repeatedly on the verge of a quarrel with the United States. With no divergence of interest, but the strongest possible interest on both sides to maintain the closest friendship, we have more than once been on the eve of a quarrel; and that great calamity has only been avoided, because the Government of this country has had the good sense to treat the Government of the United States much as we should treat spoiled children, and, though the right was clearly on our side, has yielded to the unreasonable pretensions of the United States. There is danger that this may be pushed too far, and that a question may arise on which our honour and our interests will make concession on our part impossible."

No one is an impartial judge in his own case. If we should meet these rather indiscreet suggestions in the only way in which a charge without specifications can be met—by a denial as broad as the assertion—the matter would be left precisely as it stood before; that is, each party in its national controversies thinks itself right and its opponent wrong, which is not an uncommon case in human affairs, public and private. This at least may be added, without fear of contradiction, that the United States, in their intercourse with foreign governments, have abstained from all interference in European politics, and have confined themselves to the protection of their own rights and interests. As far as concerns theoretical doctrines on the subjects usually controverted between governments, a distinguished English magistrate and civilian pronounces the authority of the United States "to be always

great upon all questions of international law."* Many of the questions which have arisen between this country and England have been such as most keenly touch the national susceptibilities. That in discussing these questions at home and abroad, no despatch has been written, no word uttered in a warmer tone than might be wished, is not to be expected, and is as little likely to have happened on one side of the water as the other. But that the intercourse of the United States with Great Britain has, in the main, been conducted, earnestly indeed, as becomes powerful States treating important subjects, but courteously, gravely, and temperately, no one well acquainted with the facts will, I think, deny. It would not be difficult to pass in review our principal controversies with England, and to show that when she has conceded any portion of our demands, it has not been because they were urged in an "unscrupulous and overbearing tone" (an idea not very complimentary to herself), but because they were founded in justice and sustained by argument. This is not the occasion for such a review. In a public address which I had the honour of delivering in this hall last September, I vindicated the negotiations relative to the north-eastern boundary from the gross and persistent misrepresentations of which they have been the subject; and I will now only briefly allude to by far the most important chapter in our diplomatic history. It will show, by a very striking example, whether, in her intercourse with foreign nations, America has been in the habit of assuming an unscrupulous and overbearing tone, or whether she has been the victim of those qualities on the part of others. After the short-lived peace of Amiens, a new war, of truly Titanic proportions, broke out between France and England. In the progress of this tremendous struggle, and for the purpose of mutual destruction, a succession of Imperial decrees and Orders in Council were issued by the two Powers, by which all neutral commerce was annihilated. Each of the great belligerents maintained that his adversary's decree was a violation of international law; each justified his own edict on the ground of retaliation; and between these great conflicting forces the rights of neutrals were crushed. Under

* R. Phillimore's *International Law*, vol. iii. p. 252.

these orders and decrees it is estimated that one hundred millions of American property were swept from the ocean ; of the losses and sufferings of our citizens, in weary detention for years at courts of admiralty and vice-admiralty all round the globe, there can be no estimate. But peace returned to the world, time wore away, and after one generation of the original sufferers had sunk, many of them sorrow-stricken and ruined, into the grave, the government of King Louis Philippe, in France, acknowledged the wrong of the imperial *régime* by a late and partial measure of indemnification (by the treaty negotiated with great skill by the Hon. W. C. Rives). England, in addition to the capture of our ships and the confiscation of their cargoes, had subjected the United States to the indignity of taking her seamen by impressment from our vessels, a practice which, in addition to its illegality and cruelty, often led to the impressment of our own citizens, both naturalized and native. For this intolerable wrong (which England herself would not have endured a day from any foreign power), and for the enormous losses accruing under the Orders in Council, the United States not only never received an indemnification, but the losses and sufferings of a war of two years and a half duration were superadded. These Orders were at the time regarded by the liberal school of British statesmen as unjust and oppressive towards neutrals ; and though the eminent civilian, Sir Walter Scott (afterwards Lord Stowell), who presided in the British Court of Admiralty, and who had laid the foundation of a princely fortune by fees accruing in prize causes,* deemed it " extreme indecency " to admit the possibility that the Orders in Council could be in contravention of the public law, it is now the almost universal admission of the text-writers that such was the case. As lately as 1847 the present Lord Chancellor—then Lord Chief Justice of England—used this remarkable language :—" Of these Orders in Council Napoleon had no right to complain ; but they were grievously unjust to neutrals ; and *it is now generally allowed that they were contrary to the law of nations, and to our own municipal*

* *Sketch of the Lives of Lords Stowell and Eldon.* By William Edward Surtees, D.C.L. (a relative), p. 88.

law!" These liberal admissions have come too late to repair the ruined fortunes, or to heal the broken hearts, of the sufferers: they will not recall to life the thousands who fell on hard-fought fields in defence of their country's rights. But they do not come too late to rebuke the levity with which it is now intimated that the United States stand at the august bar of the public law, not as reasoning men, but as spoiled children—not too late to suggest the possibility to candid minds that the next generation may do us the like justice with reference to more recent controversies.*

Thus, fellow-citizens, I have endeavoured, without vain-glorying with respect to ourselves, or bitterness towards others, but in a spirit of candour and patriotism, to repel the sinister intimation that a fatal degeneracy is stealing over the country, and to show that the eighty-fourth anniversary finds the United States in the fulfilment of the glowing anticipations with which, in the selfsame instrument, their independence was inaugurated, and their union first proclaimed. No formal act had as yet bound them together—no plan of confederation had even been proposed. A common allegiance embraced them as parts of one metropolitan empire; but when that tie was sundered, they became a group of insulated and feeble communities, not politically connected with each other, nor known as yet in the family of nations. Driven by a common necessity, yearning towards each other with a common sympathy of trial and of danger, piercing with wise and patriotic foresight into the depths of ages yet to come, led by a divine counsel, they clung together with more than elective affinity, and declared the independence of the United States, North and South, great and small: Massachusetts and Virginia, the oldest and then the largest; New York and Pennsylvania, unconscious as yet of their destined preponderance, but already holding the central balance; Rhode Island and Delaware, raised by the Union to a political

* Lord Campbell's *Lives of the Chancellors*, vol. vii. p. 218; Story's *Miscellaneous Writing*, p. 283; Phillimore's *International Law*, vol. iii. pp. 250, 539; Manning's *Commentary on the Law of Nations*, p. 330; Wildman's *Institutes of International Law*, vol. ii. pp. 183, 185; also, the French publicists, Hautefeuille and Ortolah, under the appropriate heads.

equality with their powerful neighbours, joined with their sister republics in the august declaration for themselves and for the rapidly multiplying family of States which they beheld in prophetic vision. This great charter of independence was the life of the Revolution—the sword of attack, the panoply of defence. Under the consummate guidance of Washington, it sustained our fathers under defeat, and guided them to victory. It gave us the alliance with France, and her auxiliary armies and navies. It gave us the Confederation and the constitution. With successive strides of progress it has crossed the Alleghanies, the Ohio, the Mississippi, and the Missouri—has stretched its living arms almost from the Arctic circle to the tepid waters of the Gulf—has belted the continent with rising States—has unlocked the golden treasures of the Sierra Madre, and flung out the banners of the Republic to the gentle breezes of the peaceful sea! Not confined to the continent, the power of the Union has conveyed our commerce over the broadest oceans to the furtherest isles—has opened the gates of the morning to our friendly intercourse, and, sight unseen before in human history, has, from that legendary Cipango, the original object of the expedition of Columbus, brought their swarthy princes on friendly embassage to the western shores of the world-dividing ocean. Meantime the gallant Frenchmen who fought the battle of liberty on this continent carried back the generous contagion to their own fair land. Would that they could have carried with it the moderation and the wisdom that tempered our Revolution! The great idea of constitutional reform in England, a brighter jewel in her crown than that of which our fathers bereft it, is coëval with the successful issue of the American struggle. The first appeal of revolutionary Greece—an appeal not made in vain—was for American sympathy and aid. The golden viceroyalties of Spain on this continent asserted their independence in imitation of our example, though sadly deficient in previous training in the school of regulated liberty; and now, at length, the fair “Niobe of Nations,” accepting a constitutional monarchy as an instalment of the long-deferred debt of freedom, sighs through all her liberated States for a repre-

sentative confederation, and claims the title of the Italian Washington for her heroic Garibaldi. Here, then, fellow-citizens, I close where I began. The noble prediction of Adams is fulfilled. The question decided eighty-four years ago in Philadelphia was the greatest question ever decided in America; and the event has shown that greater, perhaps, never was nor ever will be decided among men. The great Declaration, with its life-giving principles, has, within that interval, been exerting its influence, from the central plains of America to the snows of the Cordilleras, from the western shores of the Atlantic to the farthest East, crossed the earth and the ocean, and circled the globe. Nor let us fear that its force is exhausted, for its principles are as broad as humanity, as eternal as truth. And if the visions of patriotic seers are destined to be fulfilled—if it is the will of Providence that the lands which now sit in darkness shall see the day—that the south and east of Europe and the west of Asia shall be regenerated, and the ancient and mysterious regions of the East, the cradle of mankind, shall receive back in these latter days from the West the rich repayment of the early debt of civilization, and rejoice in the cheerful light of constitutional freedom, that light will go forth from Independence Hall in Philadelphia—that lesson of constitutional freedom they will learn from this day's Declaration.

The world, and all that is in it, to the
ever-living God, who gave us life,
and in his infinite wisdom, goodness, and mercy,
has been recompensed for our
world. The world, and
all that is in it, to the
ever-living God, who gave us life,

**RETURN
TO → CIRCULATION DEPARTMENT**
202 Main Library

LOAN PERIOD	1	2	3
HOME USE			
4	5	6	

ALL BOOKS MAY BE RECALLED AFTER 7 DAYS

1-month loans may be renewed by calling 642-3405

6-month loans may be recharged by bringing books to Circulation Desk

Renewals and recharges may be made 4 days prior to due date

DUE AS STAMPED BELOW

REC. CIR. APR 27 1979

UNIVERSITY OF CALIFORNIA, BERKELEY
FORM NO. DD6, 60m, 11/78 BERKELEY, CA 94720

GAYLAMOUNT
PAMPHLET BINDER

Manufactured by
GAYLORD BROS. Inc.
Syracuse, N. Y.
Stockton, Calif.

YU 50448

